

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10, 11, 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki (JP 2002-144983A) in view of Nakajo et al (JP 2002-202895) and Pascal (20010046854).

Regarding applicant claims 10, 11, 18, Suzuki discloses **an information management base station unit capable of bidirectionally communicating with a vehicle wirelessly, wherein when an updating event occurs, the information management base station unit transmits a query to all vehicles under its management regarding whether or not a vehicle mounted control unit needs to be updated** (abstract, "radio base stations 10 arranged as covering all over the country, signals are radio transmitted including a vehicle model identifying code A");

said information management base station selecting the vehicles to be updated based on the replies from the individual vehicles (abstract, "vehicle control device identifying code B"); and

said information management base station updating only the selected vehicles (abstract, "and correcting information C for the applicable vehicle control device 50").

Further, Pascal teaches a method of remotely updating the software of a mobile terminal, a method of a configuration in which update information is transmitted, if an information update is necessary to a terminal that has been woken up from a sleep state by way of an update request from an information management base station unit.

Nakajo further discloses updating vehicle basic function control program where radio waves are transmitted from a server 30 for a vehicle dealer. The contents of a vehicle basic function is stored by a decoding circuit 90 and rewriting circuit 92 based on the fetched cipher data (abstract).

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Suzuki to obtain a configuration in which update information is transmitted, if an information update is necessary, and Pascal's teaching of the terminal that has been woken from a sleep state by way of an update request from the base station and Nakajo's performing reception and update processes for a modification program when the vehicle is in a substantially stationary state since these features are readily available in the art and would have been a matter of design choice.

Allowable Subject Matter

Claims 1-9, 12-17 are allowed.

The following is a statement of reasons for the indication of allowable subject matter: Prior art of record does not disclose an information management base station transmitting a query to all vehicles under its management regarding whether or not a vehicle mounted control unit needs to be updated by the information management base station unit, said information management base station selecting the vehicles to be

updated based on the replies from the individual vehicles, said information management base station updating only the selected vehicles; and said information management base station updating only the selected vehicles by updated contents divided into packets being transmitted to respective vehicle mounted control units.

Response to Arguments

Applicant's arguments filed 11/11/2011 have been fully considered and are persuasive regarding applicant arguments concerning claims 1-9, 12-17. The system described in independent claims 1, 2, 3, and 4 are allowable subject matter. However regarding claims 10, 11, and 18, claims referring to only the base station and vehicle mounted control unit are not persuasive. Both the base station and control unit are well known in the art and would have been obvious if separated from the actual system, so the rejection has been modified to reflect the amendment.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to WAE LOUIE whose telephone number is (571)272-5195. The examiner can normally be reached on M-F 0700-1530.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas G. Black can be reached on 571-272-6956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Wae Louie/
Examiner, Art Unit 3661

/Thomas G. Black/
Supervisory Patent Examiner, Art Unit 3661